



Attorney Docket No. 0152.00384

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Siamak Tabibzadeh

Serial No. 09/674,254

Group Art Unit: 1645

Filed: 12/27/00

Examiner: Portner, Virginia Allen

For: DIAGNOSTIC MARKERS OF HUMAN FEMALE INFERTILITY

Assistant Commissioner for Patents
Washington, D.C. 20231

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Rinda
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DECLARATION

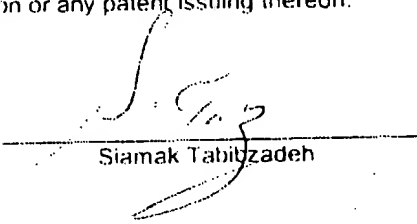
I, Siamak Tabibzadeh, being duly sworn, do hereby state that:

1. I am the inventor of the above-captioned application.
2. I am skilled in the art and have worked extensively in the field of diagnosis and treatment of endometrial irregularities.

3. The Kothapalli, et al. reference does not have a different inventive entity than that of the present invention. This reference included additional individuals who were not part of the inventive entity of the present invention. Instead these individuals were people who had worked as technicians on the project but were neither involved in the conception or the reduction to practice of the invention. The inventive entity of the present invention is identical to that of the present invention, and since the publication was within one year of the filing date of the priority date of the present application, it is respectfully requested that this reference be removed as prior art reference for the present application.

The undersigned declares further all statements made herein of his knowledge are true and that all statements made upon information and belief are believed to be true, and further that the statements were made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Nov 13, 2002


Siamak Tabibzadeh